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THE SITUATION IN BOSNIA AND HERZEGOVINA

Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Comoros, Croatia, Egypt, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Niger, Pakistan, Qatar, Saudi Arabia, Senegal, Sudan, Tunisia, Turkey and United Arab Emirates: draft resolution

The General Assembly,

Reaffirming its resolutions 46/242 of 25 August 1992, 47/121 of 18 December 1992 and 48/88 of 20 December 1993 and recalling all relevant resolutions of the Security Council regarding the situation in the Republic of Bosnia and Herzegovina, as well as the principles enunciated by the International Conference on the Former Yugoslavia,

Reaffirming once again that, as the Republic of Bosnia and Herzegovina is a sovereign, independent State and a Member of the United Nations, it is entitled to all rights provided for in the Charter of the United Nations, including the right to self-defence under Article 51 thereof,

Stressing that the armed hostilities and continued aggression against the Republic of Bosnia and Herzegovina constitute a threat to international peace and security and are a serious impediment to the peace process, and noting in that context that the relevant resolutions of the Security Council remain unimplemented,

Reaffirming the relevant principles of the Charter and the principle of inadmissibility of the acquisition of territory through the use of force, as well as the obligation of all States to act in conformity with the purposes and principles of the Charter,

Commending the ongoing efforts of the Bosniac and Croat parties the Republic of Bosnia and Herzegovina for working towards rapid and complete implementation of the Washington Agreements on the Bosnian Federation, and affirms that those agreements should be considered as a model for the overall solution to the crisis in Bosnia and Herzegovina and relations among all the parties,

Endorsing the peace proposal of the Contact Group of the Organization of the Islamic Conference as outlined by the communiqué of Foreign Ministers of 30 July 1994, including the decisions taken by the Contact Group regarding further actions in the event of a rejection of the proposed peace plan,

Welcoming the decision of the Government of the Republic and the Federation of Bosnia and Herzegovina to accept the peace plan,

Taking note of the offer of the Government of the Republic of Bosnia and Herzegovina to seek de jure lifting of the arms embargo with effective application deferred for up to six months or as may be further deferred by the Security Council, especially in view of an acceptance and implementation of the Contact Group's peace plan by the Bosnian Serbs,

Encouraging the Secretary-General to continue planning for the orderly and safe redeployment of the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina if such might become necessary,

Condemning the Bosnian Serb party for its non-compliance with the relevant resolutions of the Security Council as well as its rejection of the proposed peace plan of the Contact Group,

Stressing the importance of full implementation of Security Council decisions on "safe areas" and, in this context, welcoming the cooperation between the United Nations Protection Force and other relevant regional security organizations,

Recalling the report of the Committee on the Elimination of Racial Discrimination, in which the Committee noted "with great concern that links existed between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serbian militias and paramilitary groups responsible for massive, gross and systematic violations of human rights in Bosnia and Herzegovina and in Croatian territories controlled by Serbs", 1/

Reaffirming its determination to prevent acts of genocide and crimes against humanity and other violations of international humanitarian law,

Gravely concerned at the persistent and systematic campaign of ethnic cleansing, involving murder, rape, torture and other inhumane treatment, perpetrated by the Bosnian Serb forces in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under their control and emphasizing

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1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), para. 537.

that these practices, as described in the reports of the Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia, constitute clear violations of international humanitarian law, including the Geneva Conventions and Additional Protocols thereto, and pose a serious threat to the peace effort,

Commending the work conducted by the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992,

Welcoming the establishment by the Security Council of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and calling upon all States to cooperate fully with the work of the Tribunal,

Noting that the International Court of Justice, in its Order of 13 September 1993 in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), indicated as a provisional measure that "the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide", 2/

Further noting the Order of the International Court of Justice of 13 September 1993, in which it stated that "the present perilous situation demands ... [the] immediate and effective implementation of those [provisional] measures", 3/

Stressing the importance of efforts to restore peace in the entire territory of the Republic of Bosnia and Herzegovina as well as to preserve its territorial integrity within the internationally recognized borders, consistent with relevant Security Council resolutions, and emphasizing that the occupied parts of the Republic of Bosnia and Herzegovina are an integral part of its territory,

Alarmed and concerned by the fact that the ongoing situation in the Serbian-controlled parts of Bosnia and Herzegovina is de facto allowing and promoting a state of occupation of these parts of the sovereign Republic of Bosnia and Herzegovina,

Emphasizing that the Serbian-controlled parts of the Republic of Bosnia and Herzegovina must be reintegrated into the rest of the country, consistent with

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2/ Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 13 September 1993, I.C.J. Reports 1993, p. 325 (para. 37, A (1)).

3/ Ibid., para. 59.

the peace proposal of the Contact Group, under the close supervision of the international community,

Expressing its concern about the recently intensified siege of Sarajevo and other Bosnian cities and "safe areas" endangering the well-being and safety of their inhabitants,

Reaffirming the character of Sarajevo as a multicultural, multi-ethnic and multi-religious centre, and the need to preserve its plurality and avoid its further destruction,

Emphasizing the importance of the work of the United Nations Special Coordinator for Sarajevo towards its restoration and the overall reconstruction of the Republic of Bosnia and Herzegovina, and calling upon all States to facilitate these efforts,

Conscious that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,

1. Strongly condemns the Bosnian Serb party for its refusal to accept the proposed territorial settlement, and demands that it immediately accept this settlement unconditionally and in full;

2. Commends the tireless efforts of the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees and other related agencies, and notes with the utmost appreciation all the individuals who have shown exemplary bravery and courage, and those who have made the ultimate sacrifice in carrying out their commitments, and all those who continue to perform their duties faithfully;

3. Urges all parties to cooperate fully with the United Nations Protection Force in implementing its mandates, in particular those related to "safe areas";

4. Demands that the Bosnian Serb party lift forthwith the siege of Sarajevo and other "safe areas", as well as other besieged Bosnian towns, and urges the Secretary-General to direct the United Nations Protection Force to take necessary measures, in accordance with relevant Security Council resolutions, for the protection of the "safe areas";

5. Condemns the continuing military activities of the Bosnian Serbs against the territory of the Republic of Croatia, and their actions in cooperation with the Serb paramilitary units from the occupied territories of Croatia in launching coordinated attacks against the territory of Bosnia and Herzegovina and demands the immediate cessation of all such activities;

6. Strongly condemns the Serbian self-proclaimed authorities in the Serbian-controlled territories of the Republic of Bosnia and Herzegovina for their actions in pursuit of the "ethnic cleansing" of those areas as a matter of policy;

7. Reaffirms its support for the principle that all statements and commitments made under duress, particularly those regarding land and property, are wholly null and void;

8. Reaffirms that the consequences of "ethnic cleansing" shall not be accepted by the international community and that those who have seized land and other property by "ethnic cleansing" and by the use of force must relinquish those lands, in conformity with norms of international law;

9. Reaffirms once again the right of refugees and displaced persons from the areas of conflict in the territory of the former Yugoslavia to return voluntarily to their homes in safety and dignity, and therefore requests the Office of the United Nations High Commissioner for Refugees and other relevant United Nations bodies to facilitate their return;

10. Urges the Office of the United Nations High Commissioner for Refugees, as part of its humanitarian assistance programme, to provide appropriate assistance to facilitate cultural exchanges between Sarajevo and other parts of the Republic of Bosnia and Herzegovina and the international community and to facilitate the delivery and installation of a reliable communications system in Sarajevo for the use of the civilian population;

11. Condemns vigorously all violations of human rights and international humanitarian law committed by parties to the conflict, especially those violations committed as policy by Serbia and Montenegro and the Bosnian Serbs, who have done so systematically, flagrantly and on a massive scale against the people of the Republic of Bosnia and Herzegovina;

12. Deeply alarmed by the continuing systematic abuses committed against Albanians, Bosnians, Hungarians and Croatians, and others in Kosovo, Sandzak and Vojvodina, respectively, by the authorities of Serbia and Montenegro, and in that regard condemns the decision of those authorities not to renew the mandate of the monitoring missions of the Conference on Security and Cooperation in Europe in those regions;

13. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) uphold its commitment and obligation to comply with relevant Security Council resolutions, including resolution 752 (1992) of 15 May 1992, to cease any military and logistic support to the Bosnian Serbs, and supports the decision of the Council to automatically terminate the partial suspension of sanctions in the event that the Federal Republic of Yugoslavia is found not to effectively implement its decision to close the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) in accordance with Security Council resolution 943 (1994) of 23 September 1994;

14. Calls for mutual recognition between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) within their existing internationally recognized borders as a critical step towards a lasting peace settlement;

15. Calls upon all parties, and in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to fully comply with all Security Council resolutions regarding the situation in the Republic of Bosnia and Herzegovina, and to strictly respect its territorial integrity, and in this regard concludes that their activities aimed to achieve integration of the occupied territories of Bosnia and Herzegovina into the administrative, military, educational, transportation and communication systems of the Federal Republic of Yugoslavia (Serbia and Montenegro) leading to a de facto state of occupation are illegal, null and void, and must cease immediately;

16. Expresses its appreciation for the efforts of the United Nations Protection Force to help create the conditions conducive to the rapid and complete implementation of the Washington Agreements on the Bosnian Federation and encourages the international community, acting through the United Nations and other international organizations and bilaterally, to enhance its support for the Governments of the Republic of Bosnia and Herzegovina and of the Bosnian Federation;

17. Notes with deep concern the failure to open the Tuzla airport as called for in numerous resolutions and once again urges the Secretary-General to take immediate action to reopen Tuzla airport, aware of the importance of that airport in facilitating the receipt and distribution of international humanitarian aid, consistent with the provisions of Security Council resolution 770 (1992) of 13 August 1992;

18. Demands that all concerned facilitate the unhindered flow of humanitarian assistance, including the provision of water, electricity, fuel and communication, in particular to the "safe areas" in Bosnia and Herzegovina, and in this context urges the Security Council to implement fully its resolution 770 (1992) to ensure the free flow of humanitarian assistance, particularly to the "safe areas";

19. Condemns activities by any of the parties or other concerned in contravention of paragraph 12 of Security Council resolution 820 (1993) of 17 April 1993, and demands full compliance with that provision;

20. Commends all States, and in particular the States bordering on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the other Danube riparian States, for the measures they have taken to comply with the mandatory sanctions imposed by the Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro), and urges all States to continue their vigilant enforcement of these sanctions measures;

21. Urges the Security Council, in fulfilling its responsibility under Article 24 of the Charter of the United Nations, to take all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina in cooperation with States Members of the United Nations and the Government of the Republic of Bosnia and Herzegovina;

22. Encourages the Security Council to exempt the Governments of the Republic and Federation of Bosnia and Herzegovina from the embargo on deliveries

of weapons and military equipment originally imposed by the Security Council in resolution 713 (1991) of 25 September 1991 and as further outlined in the eighth preambular paragraph of the present resolution;

23. Urges Member States as well as other members of the international community, from all regions, to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of the Charter;

24. Requests the Security Council to act immediately to close all detention camps in Bosnia and Herzegovina and to further close concentration camps in Serbia and Montenegro and Bosnia and Herzegovina established by the Serbs and, until implementation, to assign international observers to these camps;

25. Requests that the International Committee of the Red Cross be granted free access to all detention camps established by the Serbs in Serbia and Montenegro and in Bosnia and Herzegovina and to all persons imprisoned in these camps and that all prisoners be notified of it without delay;

26. Further affirms individual responsibility for the perpetration of crimes against humanity and other serious violations of international humanitarian law committed in the Republic of Bosnia and Herzegovina;

27. Welcomes the fact that delays which have hampered the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have been removed and looks forward to a speedy assumption of the judiciary process free of interference and delays, and in this context encourages the provision of all resources necessary, including voluntary contributions from States and intergovernmental and non-governmental organizations, in accordance with the above-stated principle of non-interference, so that it can conduct without any further delay its stipulated functions of trying and punishing those responsible for the perpetration of violations of international law;

28. Requests the Secretary-General to submit a report on the implementation of the present resolution within 30 days of its adoption, as well as the report called for under the auspices of the London Conference, which, regrettably, has not yet been issued;

29. Decides to remain seized of the matter and to continue the consideration of this item.